

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYNDA GARBE,

Plaintiff,

No. 06-10967

v.

Hon. John Corbett O'Meara

DAIMLER CHRYSLER CORPORATION
AND POPULUS GROUP, L.L.C., jointly
and severally,

Defendants.

_____ /

ORDER OF PARTIAL DISMISSAL

Plaintiff Lynda Garbe filed a six-count complaint in this court March 3, 2006, alleging federal and state claims for sex discrimination, sex harassment, violations of the Americans with Disabilities Act and its Michigan counterpart, age discrimination, retaliation, and intentional infliction of emotional distress.

While alleged violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1343, portions of Counts I-V and all of Count VI are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over these claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts I-V, to the extent they allege violations of Michigan law, are **DISMISSED**.

It is further **ORDERED** that Count VI is dismissed.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: March 23, 2006